

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ILLIA KORNEA and OCTAVIAN KECENOVICI,

Plaintiffs,

-v-

JEFFREY A. MILLER,

Defendant.

22 Civ. 4454 (PAE) (KHP)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

Currently pending is a motion by plaintiffs Illia Kornea and Octavian Kecenovici to for summary judgment as to defendant Jeffrey Miller’s counterclaims. Dkt. 110. Before the Court is the April 5, 2024 Report and Recommendation of the Hon. Katharine H. Parker, United States Magistrate Judge, recommending that the Court grant plaintiffs’ motion and dismiss Miller’s counterclaims in their entirety. Dkt. 124 (“Report”). The Court incorporates by reference the summary of the facts provided in the Report. For the following reasons, the Court adopts this recommendation.

DISCUSSION

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “To accept those portions of the report to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Ruiz v. Citibank, N.A.*, No. 10 Civ. 5950 (KPF), 2014 WL 4635575, at *2 (S.D.N.Y. Aug. 19, 2014) (quoting *King v. Greiner*, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at *4

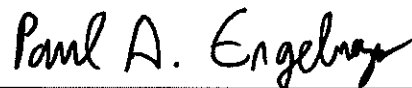
(S.D.N.Y. July 8, 2009)); *see also, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

As no party has submitted objections to the Report, review for clear error is appropriate. Careful review of Judge Parker's thorough and well-reasoned Report reveals no facial error in its conclusions; the Report is therefore adopted in its entirety. Because the Report explicitly states that "failure to object within fourteen (14) days will result in a waiver of objections and will preclude appellate review," Report at 11, the parties' failure to object operates as a waiver of appellate review. *See Caidor v. Onondaga Cty.*, 517 F.3d 601, 604 (2d Cir. 2008) (citing *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam)).

CONCLUSION

For the foregoing reasons, the Court grants plaintiffs' motion for summary judgment and dismisses Miller's counterclaims in their entirety. The Court respectfully directs the Clerk to terminate the motion pending at Docket 110 and to mail a copy of this decision to plaintiffs and defendant at the addresses on file

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: May 2, 2024
New York, New York